

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA, ON THE TWENTY-FIRST DAY OF MAY, NINETEEN HUNDRED AND EIGHTY-ONE.

1. ROLL CALL

Mr. Gerald H. Mepham, Chairman
Mr. Joseph E. Brown
Mr. George A. Marston

OTHERS:
Mr. Henry H. Stephens

2. MINUTES

Upon a motion by Mr. Marston, seconded by Mr. Brown, the minutes of the April 30, 1981 meeting were approved as presented.

3. CASE NO. ZA-3-81. CONSIDERATION OF AN APPLICATION OF MR. ERNEST L. HAZELWOOD FOR VARIANCES FROM SECTIONS 20-32 AND 33(a) OF THE ZONING ORDINANCE.

Mr. Stephens presented the staff report. He explained the variance to allow a combined side yard of 31 feet instead of the required 35 feet and frontage of 88 feet instead of the required 100 feet which was necessary to allow the subdivision of the lot. The lot now had a dwelling and a partially constructed second dwelling. The subdivision would place each dwelling on its own lot so that they could be sold separately. This would allow financing to complete the partially complete unit which had not been worked on since 1977. The staff report is appended.

Mr. Stephens recommended approval of the variance because the present owner had purchased the property with the understanding that the subdivision would be approved. He based this on information found on the 1975 building permit that indicated the partially constructed unit was further from the existing dwelling and had 100 feet of frontage available for it. A later survey indicated this information to be in error. Because the applicant had made a reasonable effort to protect himself and because the information provided him by a County employee was not correct, Mr. Stephens said that a variance would correct the error. He said that the Health Department had approved the well and septic systems for both dwellings. He said that completion of the partially completed unit would be a positive factor in the neighborhood.

Mr. Mepham opened the Public Hearing on Case No. ZA-3-81.

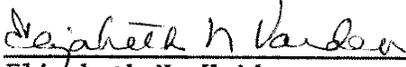
Mr. Bowlker, an adjacent property owner, spoke in opposition of the variance. He was concerned that completion of the incomplete unit would mean more people in the area. He did not want any more houses near his property. He was also upset because the 1975 Building Permit was issued with erroneous information on it.

Mr. Hazelwood spoke in favor of his application. He said he had checked with the County and received the information on the 1975 building permit and the 1977 renewal permit which indicated he could subdivide the property. He relied on this information. He said his financial situation required that each house be on a separate lot so that he could finance completion of the incomplete unit. He said a hardship would result if he could not subdivide and complete the partially finished house which would essentially take away his investment in the incomplete unit.

Upon a motion by Mr. Marston, seconded by Mr. Brown, the variance requested was approved.

4. ADJOURNMENT

There being no further business, the May 21, 1981 meeting of the Board of Zoning Appeals of James City County was adjourned at 9:15 P.M.



Elizabeth N. Vaiden
Secretary



Gerald H. Mepham
Chairman

HHS:rs